

ORDINANCE _____

AN ORDINANCE related to land use and zoning; amending Section 23.40.006 of the Seattle Municipal Code, to allow issuance of a permit for demolition of a residential use in a Single Family zone without first establishing a new use for a lot.

WHEREAS, Seattle's Land Use Code prohibits the issuance of a demolition permit for a structure containing housing without first establishing a new use of the lot by permit; and

WHEREAS, the limits placed on the issuance of permits for housing demolition were intended to discourage the demolition of habitable dwellings without reason; and

WHEREAS, the policy of the City is to prevent the loss of affordable housing units when no productive re-use of a lot is anticipated; and

WHEREAS, circumstances have arisen in which the condition of a vacant residential structure has attracted activity and behavior that is undesirable, and allowing the demolition of the structure is a better outcome in a neighborhood than preserving the nuisance; and

WHEREAS, limiting the allowance to demolish a residential structure to Single Family zones effectively limits the number of residential structures to which this ordinance will apply;
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.40.006 of the Seattle Municipal Code, which section was last amended by Ordinance 122901, is amended as follows:

23.40.006 Demolition of housing((:))

No demolition permit for a structure containing a dwelling unit shall be issued unless one of the following conditions is satisfied((:)), and provided that no permit for demolition of a structure containing a dwelling unit may be issued if the new use is for non-required parking:

1 A. The structure is a residential use in a Single Family zone, unless such demolition
2 aids expansion of an adjacent non-residential use.

3 ~~((A))~~ B. A permit or approval has been issued by the Director according to the
4 procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use
5 Decisions, to change the use of the structure or the premises(~~(; provided, that no demolition~~
6 ~~permit for a structure containing a dwelling unit may be issued if the new use is for nonrequired~~
7 ~~parking))~~; or

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9 ~~((B))~~ C. A permit or approval has been issued by the Director to relocate the structure
10 containing a dwelling unit to another lot, whether within the City limits or outside the City
11 limits, to be used, on the new lot, as a dwelling unit; or

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13 ~~((C))~~ D. A complete building permit application for construction of a new principal
14 structure on the same lot as the structure to be demolished has been submitted to the Director, the
15 demolition permit application and the building permit application are categorically exempt from
16 review under Chapter 25.05, Environmental Policies and Procedures, the issuance of some other
17 approval is not required by Title 23 or Title 25 as a condition to issuing the demolition permit,
18 and the Director has approved a waste diversion plan pursuant to Section 23.40.007; or

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20 ~~((D))~~ E. Demolition of the structure is ordered by the Director for reasons of health and
21 safety under Chapter 22.206 or 22.208 of the Housing and Building Maintenance Code, or under
22 the provisions of the Seattle Building Code.
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Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2009, and signed by me in open session in authentication of its passage this ____ day of _____, 2009.

President _____ of the City Council

Approved by me this ____ day of _____, 2009.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2009.

City Clerk

(Seal)